

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John C. Nardi
Appln. No.: 09/213,544
Filing Date: December 17, 1998
For: Alkaline Cell Having a Cathode Incorporating Enhanced Graphite

Art Unit: 1745
Examiner: Carol Chaney

Commissioner for Patents
Mail Stop RCE
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

REQUEST FOR CONTINUED EXAMINATION

This Request for Continued Examination is being submitted under 37 CFR § 1.114, after the Decision on Appeal by the Board of Patent Appeals and Interferences mailed March 31, 2003, but before abandoning the application, filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or commencing a civil action.

Also being submitted herewith is a Declaration under 37 CFR § 1.132 and the RCE fee required under 37 CFR § 1.17(e).

No new amendments are being made as part of this submission. This submission includes new evidence. Applicant also requests that the following previously submitted papers, which are hereby incorporated by reference, be considered: the Declaration submitted with the Amendment filed on October 19, 2000, the Appeal Brief filed on January 16, 2001, the Amendment filed on May 11, 2001, and the Reply Brief filed on June 8, 2001.

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Request For Continued Examination (RCE) Transmittal Commissioner for Patents Mail Stop RCE P. O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/213,544
	Filing Date	12/17/98
	First Named Inventor	John C. Nardi
	Art Unit	1745
	Examiner Name	Carol Chaney
	Attorney Docket Number	SP-0649.1 US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114**

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on 5/11/01
(Any unentered amendment(s) referred to above will be entered).
- ii. ☒ Consider the arguments in the Appeal Brief or Rely Brief previously filed on 1/16/01 and 6/8/01
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☒ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)
- b. ☐ Other _____

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 05-1325
- a. ☒ The RCE fee required under 37 CFR 1.17(e)
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other Charge any additional fees or credit overpayment
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Russell H. Toye, Jr.	Registration No. (Attorney/Agent)	43,200
Signature	<i>Russell H. Toye, Jr.</i>	Date	5/2/03

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Russell H. Toye, Jr.	Date	5/2/03
Signature	<i>Russell H. Toye, Jr.</i>		

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This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box RCE, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.